IN THE HIGH COURT OF BOMBAY AT GOA, PANAJI-GOA

APPEAL FROM ORDER NO. 59 OF 2006

Shri Somnath Nanda Naik Palang,
major of age, married,
businessman, Indian National,
r/o Dairy Apts., Shanti Nagar,
1st Floor, C-1, Ponda, Goa. .... Appellant

Versus

1. Late Smt. Radhabai
   Purshottam Naik Palang,
   since deceased from Marcela,
   Taluka Ponda, Goa.

2. Shri Purshottam Nagoji Naik
   Palang, major of age,
   married, Indian National,
   Advocate, r/o. Mapusa, Bardez, Goa.

3. Shri Ramanand Nagoji Naik
   Palang, major of age,
   married, Indian National,
   businessman, r/o Marcela,
   Taluka Ponda, Goa.

4. Smt. Ramabai Ramanand Naik
   Palang, major of age,
   married, housewife, Indian
   National, r/o Marcela,
   Taluka Ponda, Goa.

5. Shri Mahadev Nagoji Naik
   Palang, major of age,
   married, businessman, Indian
   National, r/o Marcela,
   Taluka Ponda, Goa.

6. Smt. Parvati Mahadev Naik
Palang, major of age,
married, housewife, Indian
National, r/o Marcela,
Taluka Ponda, Goa. .... Respondents

Shri Nitin Sardessai, Advocate for Appellant.

Shri M. S. Usgaonkar, Sr. Advocate with Shri Mandar G.S. Khandeparkar, Advocate for Respondents No. 3 to 6.

CORAM : **P. V. KAKADE, J.**

DATE : **25th September, 2006**

ORAL JUDGMENT

Rule. Rule made returnable forthwith.

2. Heard the learned Counsel for both the parties. This is an appeal preferred against the order passed by the Civil Judge, Senior Division in Inventory Proceeding No. 1/1992/A, adjudicating applications at exhibit 44, 49 and 56 which were disposed of by common order as they were interconnected.

3. After hearing both the parties for sometime, it is pointed out that the validity of the will involved in this dispute is being adjudicated in Appeal No. 247/2006 pending before the District Court. It is also found that the impugned order cannot stand and by consent the impugned order passed by the lower Court is set aside and the matter is remitted to the Inventory Court for adjudication according to law pertaining to exhibit 44, 49 and 56.

P. V. KAKADE, J.

NH